

13 July 2007



Australian Government

IP Australia

Discovery House, Phillip ACT 2606
PO Box 200, Woden ACT 2606
Australia
Phone +61 -2 6283 2959
Facsimile +61 -2 6283 7999
www.ipaustralia.gov.au

Davies Collison Cave
GPO Box 4387
Melbourne VIC 3001
Australia

COPY

Your Ref: 12627050/GCP

Examiner's first report on patent application no. 2005252264
by Memstar Pty.Ltd.

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. There is no Notice of Entitlement on file. You will need to file one because an application without a Notice of Entitlement cannot be accepted.
2. Claim 9 is not clear because I cannot find an antecedent to "said new permeate" when the claim is appended to claims 6-8. It appears the above term should be "said raw permeate".
3. Claim 14 is not clear. It appears that the phrase "the raw permeate to contacting..." should be "the raw permeate prior to contacting...".
4. Claim 15 is not clear. It appears that the phrase "the raw permeate has an alcohol in a..." should be "the raw permeate has an alcohol content in a...".
5. Claims 20 and 31 are not novel in light of the following prior art document:
D3. WO 1992/08783
It is noted that claim 20 does not define a means for use of a strip solvent.
6. Claims 1-31 are not novel and lack an inventive step in light of the following prior art document:
D3. WO 1992/08783;
when combined with
D2. WO 1993/22036
D4. WO 1987/02380

I have considered these prior art documents and the comments made in the IPRP (Application No: PCT/AU2005/00814) dated 14 December 2006. While not made under Australian law, I agree with the comments in the report and consider they support an objection of lack of inventive step of the Australian claims.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months² from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651010.

Yours faithfully,

RANDALL ENGLISH
Patent Examination A
B2 - Chem/Biotech
Phone: (02) 6283 2744